IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.20530 of 1999

Sri Thiruvikrama Swamy Devasthanam
rep. by Power of Attorney Agent
Sri T.Rangarajan
Tirukovalur 605 757 .. Petitioner

vs.

1. The Revenue Divisional Officer,
   Tirukovalur, Villupuram District

2. The President,
   Town Panchayat Board, Tirukovalur

3. The Executive Officer,
   Town Panchayat, Tirukovalur,
   Villupuram Distict .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents herein to forbear from taking any further action by way of demolition or taking possession of the lands comprised in S.Nos.853/22 (Nachiar Kuttai) Anaikaran Kuttai, 864/2 and 960/1 (Theru) Ther Vadampoki) mentioned in Form No.7 of the proceedings of the Special Tahsildar, Natham Nilavari Thittam, Tirukovalur, dated 18.6.1998.

For petitioner : Mr.S.Gajendran
For respondents : Mr.D.Srinivasan
Additional Government Pleader
for R1
Mr.K.R.Thamizhmani for R2 and R3

O R D E R

Heard Mr.S.Gajendran, the learned counsel appearing for the petitioner and Mr.D.Srinivasan, the learned Additional Government Pleader appearing for the first respondent as well as

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Mr.K.R.Thamizhmani, the learned counsel appearing for the second and third respondents.

2. It is stated by the petitioner that the Special Tahsildar, Natham Land Revenue Thittam, Thirukoilur, by his proceedings, dated 29.10.1997, had issued Patta in Form 7 with regard to certain lands situated in Tirukovalur Town in favour of the petitioner Devasthanam for the reason that the lands had belonged to the petitioner and that the petitioner has been in possession of the said lands. However, by further proceedings, dated 18.6.1998, the lands in S.Nos.853/22, 864/2, and 960/1, have been described under the column 'Holder/possession' as Nachiar Kuttai, (a) Anaikaran kuttai and Theru (Theervadam-poki). Since the temple was having an elephant for its daily rituals, S.No.853/22 had been in the possession of the temple for keeping the said elephant. The other two survey Numbers, described as 'Theru' (Thervadampoki) were also in possession of the temple for a long time, used as a turning point for turning the temple car during Brahmothsavam festival.

3. It is further stated that an appeal has been filed before the first respondent against the order of the Special Tahsildar, dated 18.6.1998. After hearing the petitioner, on 18.1.1999, no orders have been passed by the first respondent till the date of the filing of the writ petition, on 23.12.1999. While so, the first respondent, along with the employees of the third respondent Town Panchayat had come to the place, on 18.12.1999 and had pulled down the four shops in S.Nos.864/2 described as 'Theru' (Thervadam- poki), even though the land comprised in S.No.864/2 is in the possession of the temple and in respect of which an appeal had been preferred before the first respondent. Similarly, with regard to S.Nos.853/22 and 960/1, the respondents were taking steps to demolish the structures thereon. In such circumstances, the writ petition had been preferred by the petitioner before this Court, invoking Article 226 of the Constitution of India.

4. At the stage of the hearing of the writ petition, the learned counsel appearing for the respondents had submitted that an order, dated 13.12.1999, had been passed disposing of the appeal filed by the petitioner before the first respondent. Even though the writ petition has been filed only on 23.12.1999, the petitioner has not mentioned about the disposal of the appeal. In such circumstance, the petitioner is not entitled for favorable orders from this Court, as prayed for in the writ petition.

5. In view of the submissions made on behalf of the parties concerned, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief as prayed for in the writ petition. However, it is made clear that it is open to the petitioner to challenge the order, dated 13.12.1999, said to have been passed by the first respondent, if so advised, in

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the manner known to law.

With the above observations, the writ petition is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To:

1. The Revenue Divisional Officer
   Tirukovalur, Villupuram District

2. The President
   Town Panchayat Board, Tirukovalur

3. The Executive Officer
   Town Panchayat, Tirukovalur
   Villupuram Distict

+ 1 CC To Mr. S.Radhagopalan, Advocate SR NO.74154

+ 1 CC To Mr. K.R.Thamizhmani, Advocate SR NO.74065

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